

ADRMOP,CLOSED,CONSENT

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:19-cv-05603-SK**

The Center for Investigative Reporting v. United States
Department of Labor
Assigned to: Magistrate Judge Sallie Kim
Cause: 05:552 Freedom of Information Act

Date Filed: 09/05/2019
Date Terminated: 07/06/2020
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**The Center for Investigative Reporting**

represented by **Diana Victoria Baranetsky**
The Center for Investigative Reporting
1400 65th Street, Suite 200
Emeryville, CA 94608
(510) 809-3160
Fax: (510) 849-6141
Email: vbaranetsky@revealnews.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Will Evans**

represented by **Diana Victoria Baranetsky**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**United States Department of Labor**

represented by **Pamela T. Johann**
United States Attorney's Office
Northern District of California
450 Golden Gate Avenue
P.O. Box 36055
San Francisco, CA 94102
(415) 436-7025
Fax: (415) 436-7234
Email: pamela.johann@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/05/2019	<u>1</u>	COMPLAINT FOR INJUNCTIVE RELIEF; against Department of Labor (Filing fee \$ 400, receipt number 0971-13678690.). Filed by The Center for Investigative Reporting. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit, # <u>3</u> Proposed Summons Missing Attorney Information)(Baranetsky, Diana) (Filed on 9/5/2019) Modified on 9/6/2019 (aaaS, COURT STAFF). (Entered: 09/05/2019)
09/05/2019	<u>2</u>	Certificate of Interested Entities by The Center for Investigative Reporting (Baranetsky, Diana) (Filed on 9/5/2019) (Entered: 09/05/2019)
09/05/2019		Electronic filing error. This filing will not be processed by the clerks office. Please re-file in its entirety. Re: <u>1</u> Complaint, filed by The Center for Investigative Reporting E-Filer Need Only to Re E-File the Proposed Summons. This time use the event called Proposed Summons. Also the Proposed Summons is missing Attorney Information. Please provide Attorney Information. Case Title is Incorrect. Defendant Party entered incorrectly. Plaintiff Will Evans not Entered on the Court Docket. (aaaS, COURT STAFF) (Filed on 9/5/2019) (Entered: 09/06/2019)

09/06/2019	<u>3</u>	Case assigned to Magistrate Judge Sallie Kim. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 9/20/2019. (cv, COURT STAFF) (Filed on 9/6/2019) (Entered: 09/06/2019)
09/06/2019	<u>4</u>	Proposed Summons. (Baranetsky, Diana) (Filed on 9/6/2019) (Entered: 09/06/2019)
09/06/2019	<u>5</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 12/2/2019. Initial Case Management Conference set for 12/9/2019 01:30 PM. Signed by Magistrate Judge Sallie Kim on 9/6/19. (aaaS, COURT STAFF) (Filed on 9/6/2019) (Entered: 09/06/2019)
09/06/2019	<u>6</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Will Evans, The Center for Investigative Reporting.. (Baranetsky, Diana) (Filed on 9/6/2019) (Entered: 09/06/2019)
09/09/2019	<u>7</u>	Summons Issued as to Defendant United States Department of Labor. (tnS, COURT STAFF) (Filed on 9/9/2019) (Entered: 09/09/2019)
09/16/2019	<u>8</u>	CERTIFICATE OF SERVICE by Will Evans, The Center for Investigative Reporting (Baranetsky, Diana) (Filed on 9/16/2019) (Entered: 09/16/2019)
10/11/2019	<u>9</u>	STIPULATION <i>to Extend Time to Respond to Complaint</i> filed by United States Department of Labor. (Johann, Pamela) (Filed on 10/11/2019) (Entered: 10/11/2019)
11/14/2019	<u>10</u>	STIPULATION <i>to Extend Time to Respond to Complaint</i> filed by United States Department of Labor. (Johann, Pamela) (Filed on 11/14/2019) (Entered: 11/14/2019)
11/14/2019	<u>11</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Baranetsky, Diana) (Filed on 11/14/2019) (Entered: 11/14/2019)
11/15/2019	<u>12</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by United States Department of Labor.. (Johann, Pamela) (Filed on 11/15/2019) (Entered: 11/15/2019)
11/15/2019	<u>13</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Johann, Pamela) (Filed on 11/15/2019) (Entered: 11/15/2019)
11/22/2019	<u>14</u>	ANSWER to Complaint filed by United States Department of Labor. (Johann, Pamela) (Filed on 11/22/2019) (Entered: 11/22/2019)
12/02/2019	<u>15</u>	JOINT CASE MANAGEMENT STATEMENT and <i>Stipulated Request to Continue Case Management Conference</i> filed by United States Department of Labor. (Johann, Pamela) (Filed on 12/2/2019) (Entered: 12/02/2019)
12/03/2019	<u>16</u>	ORDER VACATING INITIAL CASE MANAGEMENT CONFERENCE. The parties may propose an alternative date for the case management conference in their stipulated briefing schedule. Signed by Magistrate Judge Sallie Kim on 12/3/2019. (mklS, COURT STAFF) (Filed on 12/3/2019) (Entered: 12/03/2019)
12/10/2019	<u>17</u>	STIPULATION AND [PROPOSED] ORDER <i>re Proposed Briefing Schedule</i> filed by United States Department of Labor. (Johann, Pamela) (Filed on 12/10/2019) (Entered: 12/10/2019)
12/11/2019	<u>18</u>	ORDER as modified by Magistrate Judge Sallie Kim granting <u>17</u> Stipulation Re: Proposed Briefing Schedule. Dispositive Motion Hearing set for 4/27/2020 09:30 AM in San Francisco, Courtroom C, 15th Floor before Magistrate Judge Sallie Kim. (mklS, COURT STAFF) (Filed on 12/11/2019) (Entered: 12/11/2019)
01/30/2020	<u>19</u>	STIPULATED JOINT REQUEST <i>to extend Briefing Schedule Regarding Motions for Summary Judgment; [Proposed] Order</i> filed by United States Department of Labor. (Attachments: # (1) Declaration of Pamela T. Johann)(Johann, Pamela) (Filed on 1/30/2020) (Entered: 01/30/2020)
01/30/2020	<u>20</u>	ORDER by Judge Sallie Kim granting <u>19</u> Stipulation. (sklc1S, COURT STAFF) (Filed on 1/30/2020) (Entered: 01/30/2020)

01/30/2020		Set Deadlines/Hearings: Motion Hearing reset for 5/18/2020 09:30 AM in San Francisco, Courtroom C, 15th Floor before Magistrate Judge Sallie Kim. (mklS, COURT STAFF) (Filed on 1/30/2020) (Entered: 01/30/2020)
02/20/2020	<u>21</u>	STIPULATION AND [PROPOSED] ORDER <i>Revising Briefing Schedule</i> filed by United States Department of Labor. (Attachments: # <u>1</u> Declaration of Pamela T. Johann)(Johann, Pamela) (Filed on 2/20/2020) (Entered: 02/20/2020)
02/20/2020	<u>22</u>	ORDER by Magistrate Judge Sallie Kim granting <u>21</u> Stipulation Revising Dispositive Motion Briefing Schedule. (mklS, COURT STAFF) (Filed on 2/20/2020) (Entered: 02/20/2020)
02/27/2020	<u>23</u>	STIPULATION AND [PROPOSED] ORDER <i>Re Issues in Dispute and to Revise Briefing Schedule Regarding Motions for Summary Judgment</i> filed by United States Department of Labor. (Attachments: # (1) Declaration of Pamela T. Johann)(Johann, Pamela) (Filed on 2/27/2020) (Entered: 02/27/2020)
02/27/2020	<u>24</u>	ORDER by Magistrate Judge Sallie Kim granting <u>23</u> Stipulation Regarding Issues in Dispute and to Revise Briefing Schedule. (mklS, COURT STAFF) (Filed on 2/27/2020) (Entered: 02/27/2020)
03/04/2020	<u>25</u>	MOTION for Summary Judgment filed by United States Department of Labor. Motion Hearing set for 5/18/2020 01:30 PM in San Francisco, Courtroom C, 15th Floor before Magistrate Judge Sallie Kim. Responses due by 4/6/2020. Replies due by 4/15/2020. (Johann, Pamela) (Filed on 3/4/2020) (Entered: 03/04/2020)
03/04/2020	<u>26</u>	Declaration of Marc Choi in Support of <u>25</u> MOTION for Summary Judgment filed by United States Department of Labor. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> *** FILED IN ERROR WITH CONFIDENTIAL INFORMATION. DOCUMENT LOCKED. DOCUMENT TO BE REFILED LATER. *** Exhibit E, # <u>6</u> Exhibit F)(Related document(s) <u>25</u>) (Johann, Pamela) (Filed on 3/4/2020) Modified on 3/5/2020 (fff, COURT STAFF). (Entered: 03/04/2020)
03/04/2020	<u>27</u>	Declaration of Heather MacDougall in Support of <u>25</u> MOTION for Summary Judgment filed by United States Department of Labor. (Attachments: # <u>1</u> Exhibit A)(Related document(s) <u>25</u>) (Johann, Pamela) (Filed on 3/4/2020) (Entered: 03/04/2020)
03/04/2020	<u>28</u>	Declaration of Francis Meilinger in Support of <u>25</u> MOTION for Summary Judgment filed by United States Department of Labor. (Attachments: # <u>1</u> Exhibit A)(Related document(s) <u>25</u>) (Johann, Pamela) (Filed on 3/4/2020) (Entered: 03/04/2020)
03/04/2020	<u>29</u>	Declaration of Pamela T. Johann in Support of <u>25</u> MOTION for Summary Judgment filed by United States Department of Labor. (Attachments: # <u>1</u> Exhibit A)(Related document(s) <u>25</u>) (Johann, Pamela) (Filed on 3/4/2020) (Entered: 03/04/2020)
03/04/2020	<u>30</u>	Declaration of Raymond E. Mitten in Support of <u>25</u> MOTION for Summary Judgment filed by United States Department of Labor. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Related document(s) <u>25</u>) (Johann, Pamela) (Filed on 3/4/2020) (Entered: 03/05/2020)
03/05/2020	<u>31</u>	[Proposed] Order Granting re <u>25</u> MOTION for Summary Judgment filed by United States Department of Labor. (Johann, Pamela) (Filed on 3/5/2020) (Entered: 03/05/2020)
03/05/2020	<u>32</u>	<i>Table of Authorities to re <u>25</u> Defendant's Motion for Summary Judgment</i> filed by United States Department of Labor. (Related document(s) <u>25</u>) (Johann, Pamela) (Filed on 3/5/2020) (Entered: 03/05/2020)
03/05/2020	<u>33</u>	EXHIBIT E to re <u>26</u> Declaration of Marc Choi in Support of Motion for Summary Judgment – CORRECTION OF DOCKET #[26–5] filed by United States Department of Labor. (Related document(s) <u>26</u>) (Johann, Pamela) (Filed on 3/5/2020) (Entered: 03/05/2020)
03/23/2020	<u>34</u>	STIPULATION AND [PROPOSED] ORDER <i>Regarding Joint Request to Revise Briefing Schedule Regarding Motions for Summary Judgment</i> filed by Will Evans, The Center for Investigative Reporting. (Attachments: # (1) [Proposed] Order)(Baranetsky, Diana) (Filed on 3/23/2020) (Entered: 03/23/2020)
03/24/2020	<u>35</u>	ORDER by Magistrate Judge Sallie Kim granting <u>34</u> Stipulation to Revise Briefing Schedule Regarding Motions for Summary Judgment. (mklS, COURT STAFF) (Filed on 3/24/2020) (Entered: 03/24/2020)
03/24/2020		Set/Reset Deadlines as to <u>25</u> MOTION for Summary Judgment . Opposition/Cross–Motion due by 4/27/2020. Reply/Response to Cross–Motion due by 5/11/2020. Motion Hearing reset for 6/15/2020 09:30 AM in San Francisco, Courtroom C, 15th Floor before Magistrate Judge Sallie Kim. (mklS, COURT STAFF) (Filed on 3/24/2020) (Entered: 03/24/2020)

04/27/2020	<u>36</u>	OPPOSITION/RESPONSE to (re <u>25</u> MOTION for Summary Judgment) filed by Will Evans, The Center for Investigative Reporting. (Attachments: # <u>1</u> Exhibit Exhibits (1 of 2), # <u>2</u> Exhibit Exhibits (2 of 2), # <u>3</u> Declaration, # <u>4</u> Declaration, # <u>5</u> Declaration, # <u>6</u> Declaration, # <u>7</u> Proposed Order)(Baranetsky, Diana) (Filed on 4/27/2020) (Entered: 04/27/2020)
05/11/2020	<u>37</u>	OPPOSITION/RESPONSE to (re <u>25</u> CROSS-MOTION for Summary Judgment) and <i>Reply Brief in Support of Motion for Summary Judgment</i> filed by United States Department of Labor. (Johann, Pamela) (Filed on 5/11/2020) (Entered: 05/11/2020)
05/11/2020	<u>38</u>	Declaration of Heather MacDougall in Support of <u>37</u> Opposition/Response to Motion filed by United States Department of Labor. (Related document(s) <u>37</u>) (Johann, Pamela) (Filed on 5/11/2020) (Entered: 05/11/2020)
05/12/2020	<u>39</u>	Supplemental Declaration of Pamela Johann in Support of re <u>37</u> Opposition/Response to Motion <i>for Summary Judgment</i> filed by United States Department of Labor. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Related document(s) <u>37</u>) (Johann, Pamela) (Filed on 5/12/2020) (Entered: 05/12/2020)
05/12/2020	<u>40</u>	EXHIBITS to re <u>38</u> Declaration in Support filed by United States Department of Labor. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Related document(s) <u>38</u>) (Johann, Pamela) (Filed on 5/12/2020) (Entered: 05/12/2020)
05/26/2020	<u>41</u>	SURREPLY to Defendant's Reply (re <u>25</u> MOTION for Summary Judgment) and <i>REPLY in Support of Cross-Motion for Summary Judgment</i> filed by Will Evans, The Center for Investigative Reporting. (Attachments: # <u>1</u> Declaration Baranetsky Decl., # <u>2</u> Exhibit Baranetsky Exhibits, # <u>3</u> Declaration Evans Decl., # <u>4</u> Exhibit Evans Exhibits, # <u>5</u> Declaration Marria Decl., # <u>6</u> Exhibit Marria Exhibits, # <u>7</u> Declaration Shor Decl., # <u>8</u> Declaration Steiger Decl.)(Baranetsky, Diana) (Filed on 5/26/2020) (Entered: 05/26/2020)
05/28/2020	<u>42</u>	AMENDED SURREPLY (re <u>25</u> MOTION for Summary Judgment) <i>CORRECTED</i> filed by Will Evans, The Center for Investigative Reporting. (Attachments: # <u>1</u> Declaration Baranetsky Decl., # <u>2</u> Exhibit Baranetsky Exhibits, # <u>3</u> Declaration Evans Decl., # <u>4</u> Exhibit Evans Exhibits, # <u>5</u> Declaration Marria Decl., # <u>6</u> Exhibit Marria Exhibits, # <u>7</u> Declaration Shor Decl., # <u>8</u> Declaration Steiger Decl.)(Baranetsky, Diana) (Filed on 5/28/2020) (Entered: 05/28/2020)
06/05/2020	<u>43</u>	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by Will Evans, The Center for Investigative Reporting. (Attachments: # <u>1</u> Exhibit)(Baranetsky, Diana) (Filed on 6/5/2020) (Entered: 06/05/2020)
06/09/2020	44	<p>CLERKS NOTICE SETTING ZOOM HEARING: Notice is given that the Motion Hearing Re: <u>25</u> MOTION for Summary Judgment set for 6/15/2020 09:30 AM before Magistrate Judge Sallie Kim be a Zoom video conferencing webinar.</p> <p>For Zoom connection, see: https://apps.cand.uscourts.gov/telhrq/</p> <p>PLEASE NOTE: Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited. See General Order 58 at Paragraph III.</p> <p>Case participants may also receive an email invitation from the court with different information which should be followed.</p> <p>All counsel, members of the public and press please click the link or use the information below to join the webinar:</p> <p>https://cand-uscourts.zoomgov.com/j/1601713129?pwd=bzNpQ2JTeWRQTDI4VUI0V1VwVDRHUT09</p> <p>Meeting ID: 160 171 3129 Password: 742134</p> <p>Dial by your location +1 929 205 6099 US (New York) +1 253 215 8782 US +1 301 715 8592 US +1 312 626 6799 US (Chicago) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) Find your local number: https://zoom.us/u/ac4JkPfcjo</p>

		<p>For important information and guidance on technical preparation, please see https://www.cand.uscourts.gov/zoom/.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (mklS, COURT STAFF) (Filed on 6/9/2020) (Entered: 06/09/2020)</p>
06/09/2020	<u>45</u>	NOTICE OF QUESTIONS AND ORDER REGARDING EVIDENCE. Signed by Magistrate Judge Sallie Kim on 6/9/2020. (mklS, COURT STAFF) (Filed on 6/9/2020) (Entered: 06/09/2020)
06/12/2020	<u>46</u>	RESPONSE to re <u>45</u> Order <i>Regarding Evidence</i> by United States Department of Labor. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Johann, Pamela) (Filed on 6/12/2020) (Entered: 06/12/2020)
06/15/2020	<u>47</u>	<p>Minute Entry for proceedings held before Magistrate Judge Sallie Kim: Motion Hearing by Zoom held on 6/15/2020 re <u>25</u> MOTION for Summary Judgment filed by United States Department of Labor. Matter is taken under submission. The Court will issue a written order. (Zoom Recording Time: 9:35–10:04.)</p> <p>Attorney for Plaintiff: Diana Baranetsky. Attorney for Defendant: Pamela Johann.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (mklS, COURT STAFF) (Date Filed: 6/15/2020) (Entered: 06/15/2020)</p>
06/15/2020	<u>48</u>	NOTICE by United States Department of Labor <i>of Filing of Chart Regarding Form 300As Produced In Response To Plaintiffs' FOIA Requests</i> (Johann, Pamela) (Filed on 6/15/2020) (Entered: 06/15/2020)
07/06/2020	<u>49</u>	ORDER by Judge Sallie Kim denying <u>25</u> Motion for Summary Judgment and granting Cross-Motion for Summary Judgment. (sklc1S, COURT STAFF) (Filed on 7/6/2020) (Entered: 07/06/2020)
07/06/2020	<u>50</u>	JUDGMENT. Signed by Judge Sallie Kim on July 6, 2020. (sklc1S, COURT STAFF) (Filed on 7/6/2020) (Entered: 07/06/2020)